



April 18, 2018

Ms. Roxanne Rothschild
Deputy Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, D.C. 20570

Submitted Electronically via www.nlrb.gov

RE: Representation-Case Procedures RIN 3142-AA12

Dear Ms. Rothschild:

On behalf of the Precision Machined Products Association (PMPA), please accept these comments concerning the National Labor Relations Board's request for information regarding the Board's Representation-Case Procedures published in the Federal Register on December 14, 2017. Our members support rescinding the 2014 amendments to the election rule (Amended Rule) and reverting to the election regulations in effect prior to the 2014 Election Rule's adoption.

PMPA is a national trade association representing over 440 member companies involved in the production of highly engineered, precision machined components used in advanced automotive, aerospace, electrical, construction, and medical technologies. PMPA's members include metal producers, machining and manufacturing companies, machine tool builders, and producers of tooling, software and accessories, and metalworking fluids. The precision machining industry is best described by NAICS code 332721 and accounts for over 99,400 jobs with payrolls of \$5.1 billion and shipments of over \$18.4 billion. PMPA members typically average 35-50 employees per shop with annual sales of \$12 million. The mission of the PMPA is to provide the information, resources and networking opportunities to advance and sustain its members while advocating for manufacturing throughout the United States.

The Amended Rule is a classic example of providing a remedy for a problem that did not exist. At the time, the Board justified amending the election rules to expedite union elections, even though the average time between petition for election with the Board and the election itself was thirty-seven days. This duration was comfortably in line with Congressionally-mandated time limits applicable to other significant employment-related decision-making. Furthermore, this provided sufficient time prior to an election for a full, fair and informed debate of the pros and cons of union representation and whether it fits that company and that community. Under the old rule, approximately 90 percent of all elections were conducted pursuant to an agreement or stipulation.

The Amended Rule, however, moved the time between petition for an election and a hearing before the Board to as little as seven days. This has had the knock-on effect of making the average time between petition to election to three weeks. By significantly speeding up the union election process, the Amended Rules prevent the dissemination of information between employers and employees about the merits of union representation generally or in the particular situation at hand. This violates an employee's choice as to whether or not to join a union and leaves no time for parties to reach a voluntary agreement which all sides typically want to achieve. By

significantly limiting the amount of time for dialogue between the parties, the Amended Rule ignores decades of court decisions that have uniformly held that communication and debate over the issues of union representation are integral parts of the National Labor Relations Act.

Adding to this time crunch, the Board also mandated that employers file a Statement of Position by the time of the Board's hearing. In the span of a week, companies of all sizes, including small businesses, have had to find legal counsel, analyze and understand the petition and proposed bargaining unit, and investigate any factual and legal issues for inclusion in its Statement of Position. Failing to raise an issue in a Statement of Position results in the employer waiving the right to bring up the issue at a later date. The lack of due process associated with the Amended Rule's Statement of Position and issue waiver provisions and the restrictions placed on pre-election hearing procedures have unfairly burdened PMPA members. Not only is this burdensome on employers, it also limits employees' ability to understand their rights and the many complex issues involved in deciding whether or not to vote for union representation.

The Amended Rule also requires employers to divulge too much personal information regarding its employees to unions. Besides names and addresses, employers are required to provide unions with employee private cell phone numbers and email addresses without employee consent. This is a significant violation of employees' privacy rights. With identity theft rampant and databases hacked all the time, employees' deserve to have a say as to whether their personal information should be disclosed to a third party.

The Amended Rule has been extremely harmful for companies of all sizes, especially small businesses that lack the expertise to respond properly, ensure employees' rights are protected, and engage in the kind of dialogue that courts have uniformly held to be essential to the process of deciding how to vote in a union election. The former rule allowed enough time for communication, education, and informed decision-making by employees and provided employers with due process. For the reasons stated above, the Amended Rule violates employers' rights of due process and limits employees' ability to understand their rights. Before the Amended Rule, union election procedures worked for all involved parties and the Board. Therefore, the Board should revoke the Amended Rule.

On behalf of the precision machining industry and small manufacturers across the country, thank you for your consideration of these views and we welcome the opportunity to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Miles Free", with a stylized flourish at the end.

Miles Free
Director, Industry Research and Technology
PMPA